

20-297 TRANSUNION LLC V. RAMIREZ

DECISION BELOW: 951 F.3d 1008

LOWER COURT CASE NUMBER: 17-17244

QUESTION PRESENTED:

This petition arises out of a Fair Credit Reporting Act class action in which the named plaintiff suffered atypical injuries and the vast bulk of the class suffered no Article III injury at all. The named plaintiff claimed that an inaccurate credit report hindered his effort to secure credit, caused him embarrassment in front of family, and led him to cancel a vacation. Yet he sought to represent a class of thousands of individuals, the vast majority of whom (>75%) never had a credit report disseminated to any third party, let alone suffered a denial of credit or other injury anything like the class “representative.” The trial court nonetheless let the class proceed on the theory that the absent class members all suffered Article III injury and that the vast differences between the experiences of the named plaintiff and the class he purported to represent were immaterial. The results were predictable. Having heard only about the named plaintiff’s entirely atypical injuries, the jury awarded the entire class statutory damages near the statutory maximum and then awarded classwide punitive damages that dwarfed the statutory damages. In a 2-1 decision, the Ninth Circuit then affirmed across the board, save for minimally trimming the punitive damages award.

The questions presented are:

1. Whether either Article III or Rule 23 permits a damages class action where the vast majority of the class suffered no actual injury, let alone an injury anything like what the class representative suffered.

2. Whether a punitive damages award that is multiple times greater than an already-substantial ii classwide award of statutory damages, and is orders of magnitude larger than any actual proven injury, violates due process.

Limited to question 1 presented by the petition.

CERT. GRANTED 12/16/2020